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September 17, 2014

**VIA ECF**

Honorable Michael A. Shipp, U.S.D.J.  
United States District Court  
for the District of New Jersey  
Clarkson S. Fisher United States Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: In re Birdsall Services Group, Inc., Case No.: 13-16743(MBK)  
Birdsall Services Group, Partner Assessment Corporation v. T&M  
Associates and Mark Worthington, Adv. Proc. No.13-01772(MBK)**

Dear Judge Shipp:

We are attorneys for plaintiff Partner Assessment Corporation (“Partner”). Along with Daniel M. Stolz and Donald W. Clarke, counsel for the co-plaintiff, Edwin H. Stier, Chapter 7 Trustee for Birdsall Services Group, Inc., et al. (“BSG”), we submit this letter in compliance with the Court’s September 10, 2014 Order by which the Court directed the parties to submit a case status report.

Pursuant the Mediation Order dated July 24, 2014 (Bankruptcy Docket No. 124), the matter is scheduled for mediation before the Hon. John J. Hughes (Ret.) on October 3, 2014. If deemed necessary and appropriate, mediation will continue on October 7, 2014. Pending the completion of the mediation, the Mediation Order entered by Bankruptcy Judge Kaplan provides for a stay of discovery and motion practice.

Prior to the entry of the Mediation Order, plaintiffs filed a motion to compel defendant T&M Associates (“T&M”) to complete document discovery and for defendant Mark Worthington (“Worthington”) to make outstanding document and interrogatory discovery. (Bankruptcy Docket No. 114). T&M opposed that motion and cross-moved for entry of an Order compelling plaintiffs to meet and confer regarding a universally-applicable ESI discovery protocol (Bankruptcy Docket No. 120). The hearing on those motions was stayed pending the

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completion of mediation, and was subsequently scheduled to be heard by Judge Kaplan on October 23, 2014, if necessary.

On January 3, 2014, defendants moved to dismiss Counts 3, 4, 7 and 8 of plaintiffs' Complaint. Plaintiffs opposed that application and cross-moved for leave to file a First Amended Complaint. Plaintiffs' motion was granted and they filed the First Amended Complaint on March 21, 2014 (Bankruptcy Docket No. 94). Judge Kaplan reserved decision on defendants' motion to dismiss.

While the parties have exchanged a large volume of documents, as explained in greater detail in the parties' pending motions, document discovery is incomplete. Also, given the fact that document discovery is incomplete, to date only one (1) deposition in the case has been taken. Contrary to Mr. Mead's statement in the letter he submitted earlier today, Worthington was not deposed, but was the subject of a Bankruptcy Rule 2004 Examination prior to the commencement of this action. It is anticipated that the parties will each seek multiple depositions.

Of course, should Your Honor have any questions concerning this matter, please do not hesitate to contact us immediately. Thank you for your consideration.

Respectfully submitted,

Brown Moskowitz & Kallen, P.C.  
Attorneys for Plaintiff Partner Assessment  
Corporation

By: /s/ Kenneth L. Moskowitz  
Kenneth L. Moskowitz

WASSERMAN JURISTA & STOLZ, P.C.  
Attorneys for Plaintiff Edwin H. Stier, Chapter 7  
Trustee for Birdsall Services Group, Inc.

By: /s/ Daniel M. Stolz  
Daniel M. Stolz  
Donald W. Clarke

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cc: Joseph L. Schwartz, Esq. (via ECF only)  
Kevin J. Lerner, Esq. (via ECF only)  
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